



Burwood Council

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CHARITY CLOTHING BINS POLICY

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Purpose

To ensure that:

- any recycled clothing bin placed on Council land belongs to a Charity that is both registered with the New South Wales Department of Gaming & Racing under The *Charitable Fundraising Act 1991* and also a member of the National Association of Charitable Recycling Organisations Incorporated (NSW).
- any such bin is placed in such a manner so as not to be a hazard to either pedestrians or motorists.
- such a bin be regularly emptied, and that both the bin and the area immediately surrounding the bin be kept clean and tidy and do not constitute either a hazard nor be visually obtrusive.

Scope

Applies to any charity requesting to place recycled clothing bins on Council land.

Definitions

“Recycled clothing bin” means a portable metal bin of painted, sturdy construction, with a weatherproof tilt chute at the top on the front permitting clothing to be deposited, a locked door permitting the Charity which owns the bin to empty it, and graphic display in accordance with the provisions of the *Charitable Fundraising Act 1991*.

Process

Application

Council shall only accept written applications to place bins on Council land from those Charities authorised by the NSW Department of Gaming & Racing. Preference will be given to those who are members of the National Association of Charitable Recycling Organisations Incorporated (NSW).

Council’s approval to locate recycled clothing bins within Council’s area is restricted to those registered organisations (as defined above) which can guarantee that all clothing and proceeds are for welfare services only. The organisation must also guarantee that the clothing is collected, sorted and distributed by the Charity named on the clothing bin and owning the bin.

Approval

There are limited spots for clothing bins and these shall be nominated by the Manager Traffic and Transport. If approval is given for a charity bin to operate within the Burwood LGA, such approval does not permit the bin to be relocated to another location outside the approved area.

Approval for the location of a recycled bin can only be provided by the General Manager or the Deputy General Manager Land Infrastructure and Environment.

A bin must not be located in a position where it could cause an obstruction or contribute to the occurrence of a potentially dangerous situation.

In a Council carpark, a bin must not be located in a designated car parking space.

Each bin must clearly display the name and telephone number of the Charity.

Council's approval shall contain a fixed expiry date.

Breach of the conditions of the approval may result in termination of the approval by Council's General Manager or Deputy General Manager, Land, Infrastructure and Environment. Any organisation placing an unauthorised recycled clothing bin within the Council's area will be served with a notice requiring its removal. If the charity bin is not removed upon request, Compliance enforcement processes will be instigated (see Liaison and Compliance Protocol).

Council reserves the right to remove or relocate any bin should the need arise. Should for any reason a bin require removal or is impounded by Council, then any associated costs or fees shall be borne by the Charity owning that bin.

Cleaning Program

A cleaning program must be included with the application highlighting the proposal to clean and empty the contents of the charity bin.

The bin is to be cleaned and emptied within a seven day period.

The cleaning program is to be inclusive of all goods or rubbish located outside or around the charity bin, including graffiti.

The Charity must respond immediately to Council or public concern regarding the operation of the bin.

Insurance

The organisation owning the bin shall obtain Public Liability Insurance of no less than \$20 million. Burwood Council shall be named on the Insurance Policy as joint insured for the respective rights and interests of the charitable organisation and Council. A certificate of currency must be provided to Council as part of the application process.

Liaison and Compliance Protocol

Council's inspection and audit personnel will liaise with officers responsible for management and maintenance to ensure appropriate safety standards are met.

Failure to obtain a licence or non-compliance with the licence conditions is a breach of the *Local Government Act 1993* as amended and/or the *Roads Act 1993* as amended. Infringements will be issued in accordance with the regulations of these acts.

Breaches of Conditions

Step 1 - Infringement Notice served

Step 2 - Following Infringement Notice, licence may be cancelled and/ or further action taken

Operating with an Expired License

Step 1 - Application form is issued and an Infringement Notice is served to ensure compliance

Step 2 - Continued non compliance may then result in further action being taken

Operating without a License

Step 1 - Application form is issued and an Infringement Notice is served to ensure compliance

Step 2 - Continued non compliance may then result in further action being taken

Termination of Licence

The Deputy General Manager Land Infrastructure and Environment may consider the termination of any licence based on a continuance of non compliance. All terminations will be in writing and the termination will be effective as per the date of the letter.

Related Information/Glossary

- *Local Government Act 1993*
- *Roads Act 1993*
- *Charitable Fundraising Act 1991*

Contact

Manager Traffic and Transport on 9911 9884